

SENATE BILL REPORT

EHB 1251

As of March 23, 2009

Title: An act relating to the release of certified abstracts of full driving records.

Brief Description: Addressing the release of certified abstracts of full driving records.

Sponsors: Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley.

Brief History: Passed House: 3/05/09, 95-2.

Committee Activity: Judiciary: 3/24/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: The Department of Licensing (DOL) maintains a driving record of every person licensed to operate a motor vehicle in Washington. A copy of a record is called an abstract of driving record, and it contains information pertaining to the person's driving.

Washington law restricts the distribution and use of abstracts. They may be released to specified persons upon request, including:

- the individual named in the abstract;
- certain employers or prospective employers;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services; and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years. State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus the records of alcohol-related driving offenses for a period of ten years. An abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. The DOL must keep convictions for vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of liquor or drugs must be kept for 15 years from the date of the conviction.

Summary of Bill: A court may provide a copy of a person's abstract of driving record if the person has a pending case before the court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license. An open infraction or criminal case includes cases on probation or those subject to a payment agreement or in collections. Courts may charge a reasonable fee for producing and copying the abstract for the person.

The DOL must keep records of convictions for driving under the influence of intoxicating liquor or drugs permanently on file.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.